

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2441

AN ACT

AMENDING SECTION 16-407, ARIZONA REVISED STATUTES; AMENDING TITLE 16, CHAPTER 4, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 16-407.01; REPEALING SECTION 41-3006.07, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3016.01; RELATING TO ELECTION OFFICERS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 16-407, Arizona Revised Statutes, is amended to
3 read:

16-407. Election officers; qualifications; certificates; certification programs; plan; exemption; election training fund

7 A. Except as provided in subsection ~~H~~ E, no person may perform the
8 duties or exercise the authority of an election officer or of the clerk of
9 the board of supervisors or the county recorder in performance of election
10 duties in or on behalf of any county unless the person is the holder of an
11 election officer's certificate issued by the secretary of state before
12 January 1 of each general election year.

13 B. The secretary of state shall provide for the examination of
14 applicants for election officer certificates. The secretary of state may not
15 issue a certificate to a person who has not demonstrated to the satisfaction
16 of the secretary of state that the person is competent to perform the work of
17 an election officer or of the clerk of the board of supervisors or the county
18 recorder in the performance of election duties.

19 C. The secretary of state shall provide for election officer
20 certification programs of which successful completion by a person attests to
21 the attendance at, participation in and completion of a course of instruction
22 in the technical, legal and administrative aspects of conducting elections
23 within this state.

D. An election officer education, training and certification advisory committee is established consisting of the following members:

1. An assistant attorney general appointed by the attorney general.
2. Three election officers, deputy county election officers or county recorders appointed by the secretary of state.

3. A training coordinator in the office of the secretary of state appointed by the secretary of state.

E. The terms of members appointed pursuant to subsection D, paragraphs 1 and 2 are one year. The training coordinator appointed pursuant to subsection D, paragraph 3 serves at the pleasure of the secretary of state. The members of the advisory committee shall choose a chairman from among themselves. The advisory committee shall meet at least semiannually at a time and place set by the chairman. Additional meetings shall be held on the call of the chairman or at the request of two or more members.

F. The advisory committee shall evaluate:

1. The curriculum proposed by the secretary of state for the election officer certification program.

2. The procedures proposed by the secretary of state for evaluation of participants.

3. The form and content of all examinations given in the election officer certification program.

1 G. D. On or before December 31 of each year of a general election,
2 the secretary of state shall submit an election officer education, training
3 and certification plan to the ELECTION OFFICER EDUCATION, TRAINING AND
4 CERTIFICATION advisory committee and to the president of the senate and the
5 speaker of the house of representatives. The plan shall outline the
6 achievements and problems of the previous two year period and specify the
7 expected education, training and certification activities of the coming two
8 year period.

9 H. E. Subsection A does not apply to elected officials, clerical and
10 secretarial personnel, counting center personnel, precinct election board and
11 tally board members and election officials in cities or towns.

12 I. F. For city and town employees who work on elections, if the city
13 or town chooses to enroll the city or town employees in the certification
14 program prescribed by this section, ~~cities and towns~~ THE CITY OR TOWN shall
15 reimburse the secretary of state for the costs of conducting the training.
16 An election training fund is established consisting of monies received
17 pursuant to this subsection. The secretary of state shall administer the
18 fund. Monies in the fund are continuously appropriated and the secretary of
19 state shall use monies in the fund to pay the costs of training officials
20 from cities and towns pursuant to this subsection.

21 Sec. 2. Title 16, chapter 4, article 1, Arizona Revised Statutes, is
22 amended by adding section 16-407.01, to read:

23 16-407.01. Election officer education, training and
24 certification advisory committee

25 A. AN ELECTION OFFICER EDUCATION, TRAINING AND CERTIFICATION ADVISORY
26 COMMITTEE IS ESTABLISHED CONSISTING OF THE FOLLOWING MEMBERS:

27 1. AN ASSISTANT ATTORNEY GENERAL WHO IS APPOINTED BY THE ATTORNEY
28 GENERAL.

29 2. THREE ELECTION OFFICERS, DEPUTY COUNTY ELECTION OFFICERS OR COUNTY
30 RECORDERS WHO ARE APPOINTED BY THE SECRETARY OF STATE.

31 3. A TRAINING COORDINATOR IN THE OFFICE OF THE SECRETARY OF STATE WHO
32 IS APPOINTED BY THE SECRETARY OF STATE.

33 B. THE TERMS OF MEMBERS APPOINTED PURSUANT TO SUBSECTION A, PARAGRAPHS
34 1 AND 2 ARE ONE YEAR. THE TRAINING COORDINATOR APPOINTED PURSUANT TO
35 SUBSECTION A, PARAGRAPH 3 SERVES AT THE PLEASURE OF THE SECRETARY OF STATE.
36 THE MEMBERS OF THE ADVISORY COMMITTEE SHALL CHOOSE A CHAIRPERSON FROM AMONG
37 THEMSELVES. THE ADVISORY COMMITTEE SHALL MEET AT LEAST SEMIANNUALLY AT A
38 TIME AND PLACE SET BY THE CHAIRPERSON. ADDITIONAL MEETINGS SHALL BE HELD ON
39 THE CALL OF THE CHAIRPERSON OR AT THE REQUEST OF TWO OR MORE MEMBERS.

40 C. THE ADVISORY COMMITTEE SHALL EVALUATE:

41 1. THE CURRICULUM PROPOSED BY THE SECRETARY OF STATE FOR THE ELECTION
42 OFFICER CERTIFICATION PROGRAM.

43 2. THE PROCEDURES PROPOSED BY THE SECRETARY OF STATE FOR EVALUATION OF
44 PARTICIPANTS.

1 3. THE FORM AND CONTENT OF ALL EXAMINATIONS GIVEN IN THE ELECTION
2 OFFICER CERTIFICATION PROGRAM.

3 Sec. 3. Repeal

4 Section 41-3006.07, Arizona Revised Statutes, is repealed.

5 Sec. 4. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
6 amended by adding section 41-3016.01, to read:

7 41-3016.01. Election officer education, training and
8 certification advisory committee; termination
9 July 1, 2016

10 A. THE ELECTION OFFICER EDUCATION, TRAINING AND CERTIFICATION ADVISORY
11 COMMITTEE TERMINATES ON JULY 1, 2016.

12 B. SECTION 16-407.01 IS REPEALED ON JANUARY 1, 2017.

13 Sec. 5. Purpose

14 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
15 the legislature continues the election officer education, training and
16 certification advisory committee to assure the public that persons who
17 perform the duties of election officers are knowledgeable in the technical,
18 legal and administrative aspects of conducting elections and competent to
19 perform election duties.

20 Sec. 6. Retroactivity

21 Sections 3 and 4 of this act are effective retroactively to
22 July 1, 2006.